

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WASHINGTON

DUNCAN J. McNEIL,

Plaintiff,

vs.

UNITED STATES AND ITS
OFFICERS, et al.,

Defendants.

No. CV-06-058-AAM

ORDER OF DISMISSAL

This action was transferred here from the Eastern District of California. It is largely identical to other actions which have been filed in other districts in an effort to circumvent the undersigned's pre-filing review order and a subsequent order barring plaintiff from proceeding *in forma pauperis* on any matter. For reasons already set forth in the orders of dismissal entered in those other actions (Ct. Rec. 5 in CV-05-200-AAM; Ct. Rec. 8 in 05-211-AAM; Ct. Rec. 6 in 05-218-AAM; Ct. Rec. 13 in 05-249-AAM; Ct. Rec. 6 in 05-263-AAM; Ct. Rec. 8 in 05-281-AAM; Ct. Rec. 6 in 05-291-AAM; Ct. Rec. 8 in 05-295-AAM; and Ct. Rec. 12 in 05-304-AAM), this action is also **DISMISSED with prejudice**.

Plaintiff continues to allege he is in imminent danger of physical injury at the Spokane County Jail in an attempt to circumvent the "three strikes" already assessed against him in this district for filing frivolous and/or malicious actions and/or actions which fail to state a claim upon

1 which relief can be granted. 28 U.S.C. §1915(g). The “Second Amended Verified Complaint”
2 which was transferred here from the Eastern District of California, however, seeks enforcement of
3 certain judgments which is the same relief plaintiff has repeatedly sought in this court and which
4 this court has repeatedly denied as either frivolous, malicious, or failing to state a claim upon
5 which relief can be granted. Plaintiff merely uses the “physical injury” allegation as a pretext for
6 obtaining access to another court in another district to have his “judgments” claim re-heard. This
7 is apparent from the fact that the “Second Amended Verified Complaint” does not set forth any
8 independent claims for relief arising from alleged civil rights violations at the Spokane County
9 Jail, nor does that complaint name as defendants any Spokane County Jail officials.

10 Plaintiff shall not be allowed to file any further documents in the captioned matter, with
11 the exception of a Notice of Appeal to the Ninth Circuit Court of Appeals. If plaintiff chooses to
12 appeal, this order serves as this court’s notice that the appeal is not taken in good faith and will
13 not be certified for appeal by this court. 28 U.S.C. §1915(a)(3) and Fed. R. App. P. 24(a). The
14 effect of this is that this court will not allow plaintiff to proceed *in forma pauperis* on appeal, nor
15 appoint him counsel on appeal.

16 **IT IS SO ORDERED.** The District Executive shall enter judgment accordingly and
17 forward a copy of the judgment and this order to plaintiff McNeil, and CLOSE the file.

18 **DATED** this 10th of March, 2006.

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20 s/ Alan A. McDonald
21 ALAN A. McDONALD
22 Senior United States District Judge
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